

Senate Bill No. 1471

Passed the Senate August 31, 2006

Secretary of the Senate

Passed the Assembly August 28, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Division 120 (commencing with Section 151000) to the Health and Safety Code, relating to sex education funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 1471, Kuehl. Sex education programs: requirements.

Existing law establishes requirements for the provision of sex education.

The existing California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined.

Existing law enumerates various requirements for comprehensive sexual health education and HIV/AIDS prevention education. Existing law requires a school district to notify the parent or guardian of a pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention and empowers a parent or guardian to excuse his or her pupil from all or part of that instruction.

This bill would enact the California Community Sexual Health Education Act, which would require any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections and that is conducted, operated, or administered by the state or any state agency, or is funded directly or indirectly by the state, or receives any financial assistance from state funds or funds administered by the state, including, but not limited to, public schools, to meet specified requirements.

The people of the State of California do enact as follows:

SECTION 1. The Legislature intends both of the following:

(a) This act shall not apply retroactively to any grant that has been funded pursuant to a contract that is entered into before January 1, 2007.

(b) Monitoring of compliance with this act shall be integrated into the current monitoring and compliance procedures for grants.

SEC. 2. Division 120 (commencing with Section 151000) is added to the Health and Safety Code, to read:

DIVISION 120. CALIFORNIA COMMUNITY SEXUAL
HEALTH EDUCATION ACT

151000. This division shall be known and may be cited as the California Community Sexual Health Education Act.

151001. For purposes of this division, the following definitions shall apply:

(a) “Age appropriate” refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(b) A “single session” program means a single presentation or contact designed to provide awareness and information about preventing pregnancy, or sexually transmitted diseases. It includes outreach activities in which educators, outreach workers, or youth peer educators provide oral or written information to individuals during a single encounter.

(c) A “multiple session” program means instruction or an informational presentation about preventing pregnancy or sexually transmitted diseases that is provided to the same audience over more than one session.

(d) “Medically accurate” means verified or supported by research conducted in compliance with scientific methods and published in peer review journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, including, but not limited to, the federal Centers for Disease Control and Prevention, the American Public Health Association, the Society for Adolescent Medicine, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.

151002. (a) Any program that provides instruction or information to prevent adolescent or unintended pregnancy, or to prevent sexually transmitted diseases, including HIV, that is conducted, operated, or administered by any state agency or is funded directly or indirectly by the state, or receives any financial assistance from state funds or funds administered by a state agency, shall satisfy all of the following requirements:

(1) All information shall be medically accurate, current, and objective.

(2) Individuals providing instruction or information on pregnancy, sexuality, and sexually transmitted diseases shall know and use the most current scientific data on human sexuality, human development, pregnancy, and sexually transmitted diseases.

(3) The program content shall be age appropriate for its targeted population.

(4) The program shall not teach or promote religious doctrine.

(5) The program shall be culturally and linguistically appropriate for its targeted populations.

(6) The program shall not reflect or promote bias against any person on the basis of disability, gender, nationality, race or ethnicity, religion, or sexual orientation, as defined in Section 422.56 of the Penal Code.

(b) If the program consists of instruction or information that is delivered in a single session to persons age 12 years and over, it shall satisfy all of the criteria in subdivision (a) and shall also satisfy the following conditions:

(1) If the program is directed towards minors and addresses sexually transmitted diseases, it shall include information that the only certain way to prevent sexually transmitted diseases is to abstain from activities that have been proven to transmit sexually transmitted diseases.

(2) If the program is directed toward minors and addresses pregnancy prevention, it shall include information that the only certain way to prevent unintended pregnancy is to abstain from sexual intercourse.

(3) If the program addresses sexually transmitted diseases, the program shall provide information about the effectiveness and safety of one or more drugs or devices approved by the federal

Food and Drug Administration for reducing the risk of contracting sexually transmitted diseases.

(4) If the program addresses pregnancy prevention, it shall provide information about the effectiveness and safety of one or more drugs or devices approved by the federal Food and Drug Administration for preventing pregnancy.

(c) If the program consists of instruction or information that is delivered in multiple sessions to persons 12 years of age and over, it shall satisfy all of the criteria in subdivision (a) and paragraphs (1) and (2) of subdivision (b), and shall also satisfy the following conditions:

(1) The program shall provide information about skills for refusing unwanted sexual activity and communicating with sexual partners.

(2) The program shall provide information about the effectiveness and safety of all drugs and devices approved by the federal Food and Drug Administration for reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and treatment of sexually transmitted diseases.

(3) If the program addresses pregnancy prevention, it shall provide information about the effectiveness and safety of all drugs and devices approved by the federal Food and Drug Administration for preventing pregnancy, including, but not limited to, emergency contraception.

(d) If the program consists of instruction or information that is delivered in a single session or in multiple sessions to persons under age 12 years, it shall satisfy all of the criteria in subdivision (a) and may provide age appropriate and medically accurate information on any of the topics referred to in paragraphs (1) to (4), inclusive, of subdivision (b) and paragraphs (1) to (3), inclusive, of subdivision (c).

(e) As a condition of receiving state funds or state-administered funds for any program or activity described in subdivisions (a), (b), (c), and (d), an applicant, with the exception of publicly funded schools receiving only general education funds to provide comprehensive sexual health instruction or HIV/AIDS prevention instruction, shall attest in writing that its program complies with all conditions of funding, including those enumerated in this section. If the program is conducted at a

publicly funded school, including charter schools, the applicant shall, notwithstanding Section 47610 of the Education Code, indicate in writing how the program fits in with the school's plan to comply fully with the requirements of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, Chapter 5.6 (commencing with Section 51930) of the Education Code.

(f) If the agency knows or should have known that a grantee is not in compliance with this section, the agency shall terminate the contract or take other appropriate action.

(g) Nothing in this section shall be construed to limit the requirements of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, Chapter 5.6 (commencing with Section 51930) of the Education Code.

(h) Nothing in this section shall apply to one-on-one interactions between a health practitioner and his or her patient in a clinical setting.

(i) This section shall not apply to programs funded pursuant to contracts entered into before January 1, 2007.

Approved _____, 2006

Governor